

BILL ANALYSIS

Senate Research Center

H.B. 985
By: Stiles
Intergovernmental Relations
5-22-91
House Engrossment

BACKGROUND

General law cities are those cities that have not adopted a home rule charter. In Texas, a city must have a population of at least 5,000 to adopt such a charter. General law cities must look to state law for authority to annex property. Under current law, a general law city may annex property only if it owns the property or is petitioned to annex by either the landowners or residents in the area.

PURPOSE

As proposed, H.B. 985 authorizes a general law municipality to annex adjacent territory without the consent of any residents, voters, or land owners under certain conditions.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 43B, Local Government Code, by adding Section 43.033, as follows:

Sec. 43.033. AUTHORITY OF GENERAL-LAW MUNICIPALITY TO ANNEX AREA. (a) Authorizes a general-law municipality to annex adjacent territory without the consent of any residents, voters, or land owners, provided that the following conditions are met:

- (1) the municipality has a population of 1,000 or more and is not eligible to adopt a home-rule charter;
- (2) the procedural rules prescribed by this chapter are met;
- (3) the municipality must be providing the area with water and services;
- (4) the area does not include unoccupied territory in excess of one acre for each service address for water and sewer services; and
- (5) the service plan requires that police and fire protection at a level consistent with protection provided within the municipality be provided to the area within 10 days after annexation; and
- (6) the municipality and the affected landowners have not entered an agreement to not annex the area for a certain time period.

(b) Requires the municipality to immediately disannex the area, if, after one year but before three years from the passage of an ordinance annexing an area under this section, a majority of the landowners or registered voters in the area vote by petition submitted to the municipality for

disannexation. Allows the municipality to discontinue water and sewer service to the disannexed area.

SECTION 2. Emergency clause.
Effective date: 90 days after adjournment.